

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

**FILED**  
DISTRICT COURT OF GUAM  
JUL 29 2005

CRIMINAL MINUTES

CASE NO. CR-05-00058

DATE: 07/29/2005

MARY L.M. MORAN  
CLERK OF COURT  
TIME: 11:24:06 - 11:43:00

HON. FRANCES M. TYDINGCO-GATEWOOD, DESIGNATED JUDGE

Law Clerk: KIM WALMSLEY

Official Court Reporter: WANDA MILES

Courtroom Deputy: Leilani Tores Hernandez

Court Recorder: N/A

CSO: F. TENORIO

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: AMBER LEA BUTLER

ATTY: KIM SAVO

(✓) PRESENT ( ) CUSTODY ( ) BOND ( ) P.R.

(✓) PRESENT ( ) RETAINED (✓) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT:

U.S. PROBATION: CARMEN O'MALLAN

U.S. MARSHAL: S. LUJAN

INTERPRETER:

LANGUAGE:

PROCEEDINGS: INITIAL APPEARANCE RE INDICTMENT / ARRAIGNMENT

(✓) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED

FEDERAL PUBLIC DEFENDER APPOINTED TO REPRESENT THE DEFENDANT

(✓) DEFENDANT SWORN AND EXAMINED

AGE: 24

SCHOOL COMPLETED: still in college (attained 30 credits)

(✓) DEFENDANT ARRAIGNED AND ADVISED OF THEIR RIGHTS, CHARGES AND PENALTIES

(✓) COURT QUESTIONS DEFENDANT(S) REGARDING THEIR PHYSICAL AND MENTAL CONDITION

( ) DEFENDANT WAIVES READING OF ( ) COMPLAINT ( ) INFORMATION ( ) INDICTMENT

PRELIMINARY EXAMINATION SET FOR:

ARRAIGNMENT SET FOR:

TRIAL SET FOR: October 19, 2005 at 9:30 a.m.

PROCEEDINGS CONTINUED TO:

(✓) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

( ) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR

( ) PROCESSING ( ) DETENTION

NOTES:

The Court read the charges contained in the Indictment. Defendant entered a plea of Not Guilty. Defense waived the right to Speedy Trial and stated that the continuance of the trial meets the Ends of Justice. Government did not object. Trial Order executed. Government recommended release on personal recognizance provided she comply with the release conditions imposed. Defense contested the condition that the defendant report to the districts she is traveling to. The Probation Officer stated his justification for the condition and clarified that the defendant report upon her arrival in each district and if her trip exceeds 30 days. He also stated that she should surrender her passport to the Clerk, District Court of Guam upon her return. The Court read her release conditions, and noted the flexibility of her return date based on her means of travel.

## Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

(Name of person or organization) \_\_\_\_\_

(Address) \_\_\_\_\_

(City and state) \_\_\_\_\_

(Tel. No.) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

Date \_\_\_\_\_

( ) (7) The defendant shall:

(X) (a) report to the US Pretrial Services Offices as directed,

telephone number 473-9201, not later than \_\_\_\_\_.

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: \_\_\_\_\_

( ) (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described \_\_\_\_\_

( ) (d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_.

(X) (e) maintain or actively seek employment.

( ) (f) maintain or commence an education program.

(X) (g) surrender any passport to: the Clerk of the District Court of Guam

(X) (h) obtain no passport.

( ) (i) abide by the following restrictions on personal association, place of abode, or travel: \_\_\_\_\_

( ) (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: \_\_\_\_\_

( ) (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: \_\_\_\_\_

( ) (l) return to custody each (week) day as of \_\_\_\_\_ o'clock after being released each (week) day as of \_\_\_\_\_ o'clock for employment, schooling, or the following limited purpose(s): \_\_\_\_\_

( ) (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

( ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( ) (o) refrain from ( ) any ( ) excessive use of alcohol.

~~( )~~ (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

~~( )~~ (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

~~( )~~ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

~~( )~~ (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

( ) (t) participate in one of the following home confinement program components and abide by all the requirements of the program which ( ) will or ( ) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

(X) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

( ) (v) Comply with all release conditions during the travel

( ) (w) Report to the probation office for pretrial supervision processing

( ) (x) Report to the probation office in the District Court of Guam if the defendant is traveling to

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL